

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In Re: Kimberly J. Brink,	:	Bankruptcy Case No.: 23-21577-CMB
	:	
Debtor.	:	Chapter 13
	:	
_____ Kimberly J. Brink,	:	Adversary Case No.:
	:	
Movant,	:	
	:	Document No.:
v.	:	
	:	Related to Document No.:
OneMain Financial Group,	:	
	:	
Respondent.	:	

**COMPLAINT TO DETERMINE THE VALUE OF CREDITOR'S ALLOWED
SECURED CLAIM AND EXTENT OF CREDITOR'S LIEN OR OTHER INTEREST IN
PROPERTY PURSUANT TO 11 U.S.C. §506 AND BANKRUPTCY RULE 3012**

AND NOW comes the Plaintiff, Kimberly J. Brink, by and through his attorney, Brian C. Thompson, Esquire, and the law firm Thompson Law Group, P.C. and files the within Complaint to Determine the Value of Creditor's Allowed Secured Claim and Extent of Creditor's Lien or Other Interest in Property Pursuant to 11 U.S.C. §506 and Bankruptcy Rule 3012, and in support thereof avers as follows:

I. PRELIMINARY STATEMENT

1. This is an action under the Bankruptcy Code, 11 U.S.C. §101 et seq., to determine the value of creditor's allowed secured claim and extent of creditor's lien in Debtor's vehicle, a 2015 Subaru XV Crosstrek.
2. This Court has jurisdiction under 28 U.S.C. §1334. This is a core proceeding under 28 U.S.C. §157.
3. Plaintiff consent to and request that a final order and/or judgment be rendered by the United States Bankruptcy court on all non-core proceedings.

II. PARTIES

4. Plaintiff is Kimberly J. Brink, who presently resides at 159 Timber Lane, Parker Pennsylvania 16049.
5. Plaintiff is the Debtor in the above-captioned bankruptcy case.

6. Defendant, OneMain Financial Group, LLC, is a financial institution operating and existing in Pennsylvania, and, at all relevant times hereto was doing business in the Western District of Pennsylvania.

III. FACTUAL ALLEGATIONS

7. On July 26, 2023, Debtor filed a voluntary petition in bankruptcy under Chapter 13 of the Bankruptcy Code.
8. The value of the Debtor's 2015 Subaru XV Crosstrek automobile is Six Thousand Four Hundred Fifty Dollars and Zero Cents (\$6,450.00).
9. OneMain Financial Group, LLC filed a Proof of Claim in the above-referenced bankruptcy case on August 14, 2023, which states that its claim of Twelve Thousand Five Hundred Fprty-Nine Dollars and Eighty-Nine Cents (\$12,549.89) is secured by the Debtor's vehicle (See Proof of Claim No. 4).
10. The security interest of OneMain Financial Group, LLC exceeds the value of the vehicle by Six Thousand Ninety-Nine Dollars and Eighty-Nine Cents (\$6,099.89).

IV. STATEMENT OF THE CLAIMS

11. The secured value of the interest of OneMain Financial Group, LLC in the vehicle is no more than Six Thousand Four Hundred Fifty Dollars and Zero Cents (\$6,450.00.)
12. Pursuant to 11 U.S.C. 506(a), the allowable secured claim of OneMain Financial Group, LLC is no more than Six Thousand Four Hundred Fifty Dollars and Zero Cents (\$6,450.00.)
13. The balance of any claim of OneMain Financial Group, LLC is allowable only as an unsecured claim.

WHEREFORE, the Debtor respectfully prays that this Honorable court:

- a) Value the secured claim of OneMain Financial Group, LLC in the 2015 Subaru XV Crosstrek as Six Thousand Four Hundred Fifty Dollars and Zero Cents (\$6,450.00)
- b) Determine the allowed secured claim of OneMain Financial Group, LLC to be \$6450.00 pursuant to 11 U.S.C. §506.
- c) Determine that the remainder of \$12,549.89 is allowed as an unsecured claim only.
- d) Grant such other relief as may be necessary and proper under the law.

Respectfully Submitted,

Date: September 20, 2023

/s/ Brian C. Thompson
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